

Appl. No. 10/682,108
Amtd. dated November 17, 2006
Reply to Office Action of September 19, 2006

REMARKS/ARGUMENTS

Claims 1-35 are presented for Examiner Bui's consideration. Examiner Bui has stated that claims 10 – 34 are allowed.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed September 19, 2006, Examiner Bui rejected claims 1, 5, 6, 9 and 35 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 5,377,837 to Roussel in view of G.B. Patent Number 2 310 652 to Bennet and U.S. Patent Number 5,934,470 to Bauer et al. This rejection is respectfully traversed in view of the amendments made to independent claims 1 and 35.

By way of the Office Action mailed September 19, 2006, Examiner Bui rejected claims 2 - 4 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 5,377,837 to Roussel in view of G.B. Patent Number 2 310 652 to Bennet and U.S. Patent Number 5,934,470 to Bauer et al. and further in view of U.S. Patent Number 6,427,839 to Helfer-Grand. This rejection is respectfully traversed in view of the amendment made to independent claim 1.

By way of the Office Action mailed September 19, 2006, Examiner Bui rejected claims 2 - 4 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 5,377,837 to Roussel in view of G.B. Patent Number 2 310 652 to Bennet and U.S. Patent Number 5,934,470 to Bauer et al. and further in view of U.S. Patent Number 3,145,840 to Wright. This rejection is respectfully traversed in view of the amendment made to independent claim 1.

Applicants have amended their independent claims 1 and 35 by inserting language into paragraph e) of each claim stating that: "said opening means being distinct from said expansion means." Basis for this language can be found in the specification at page 8, lines 14 – 20, page 9, lines 7 – 22, page 11, lines 32 – 33, as well as in Figures 1 -12 of the drawings. On page 11, lines 32 – 33, the specification reads as follows:

"After the package has increased in size and volume, the package can be opening so that individual or multiple articles can be easily removed by the consumer or caregiver."

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The cited prior art references teach that the expansion and opening mechanism are one and the same. As one opens the package, as taught by the prior art references, the package expands. This is different from Applicants' claimed invention wherein the package is first allowed to expand, and then while being in the expanded state, the package can be opened. In view of this structural and functional difference, Applicants now believe that their amended independent claims 1 and 35, as well as dependent claims 2 – 9, are patentably distinct over the cited prior art references and should be allowed at this time.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-2455.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Lanette Burton, hereby certify that on November 17, 2006, this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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